

REMARKS

This Application has been carefully reviewed in light of the Final Office Action. Applicants appreciate the Examiner's consideration of the Application. In order to advance prosecution of this Application, Applicants have responded to each notation by the Examiner. Applicants respectfully request reconsideration and favorable action in this case.

Applicants' Summary of Interview

Applicants thank the Examiner for the courtesy and opportunity to conduct the telephone interview on May 13, 2009. In the telephone interview, a proposed amendment was discussed, but no agreement was reached.

Amendments

Applicants have amended Claims 1, 8, 13, and 18. Support for the amendments may be found in the specification at, for example, p. 16, lines 18-21, 29-31.

Section 102 Rejection

The Examiner rejects Claims 1-22 under 35 U.S.C. § 102(e) over U.S. Patent No. 7,441,045 issued to Skene et al. ("*Skene*"). Applicants respectfully traverse this rejection for the reasons discussed below.

Applicants respectfully submit that *Skene* fails to disclose, teach, or suggest elements specifically recited in Applicants' claims. For example, *Skene* fails to disclose, teach, or suggest the following recited in independent Claim 1:

assign the packet to a selected one of a plurality of gateways based on an Internet Protocol (IP) address of the end user making the request, the selected gateway configured to utilize the IP address to provide an accounting service to the end user.

Skene discloses a client that requests resources associated with a domain name. An IP address is determined for the domain name:

The transaction process for this embodiment of the present invention begins with a request from a client 112 for resources associated with a domain name, e.g., www.domain.com. The client communicates the domain name request to a local ISP 108 that provides a local DNS server 110 for resolving the domain name request into an IP address associated with the requested domain name.

(*Skene*, col. 6, lines 25-31.)

Load balancing is performed based on statistics:

The logic steps to a block 297 where the EDNS system employs the values stored in the statistical database to generate statistics for all classes of metric information. The logic flows to a block 298 where the generated statistics may be displayed to the user. Also, these statistics and the results of the selected load-balancing method are employed to choose an optimal virtual server to provide the client with access to resources associated with the domain name request.

(*Skene*, col. 14, lines 16-23.) The statistics describe elements other than the client:

The Primary EDNS system generates statistics related to each SAC, Host, virtual server, path, local DNS and Wide IP.

(*Skene*, col. 13, lines 2-3; see also Figure 1.) That is, *Skene* discloses a client that requests resources associated with a domain name. An IP address is determined for the domain name, ***not the client***. Moreover, load balancing is performed based on statistics that describe elements ***other than the client***. Thus, *Skene* fails to disclose, teach, or suggest the above elements of Claim 1

For at least these reasons, independent Claim 1 and its dependent claims are allowable under 35 U.S.C. § 103. For analogous reasons, independent Claims 8, 13, and 18 and their respective dependent claims are allowable under 35 U.S.C. § 103. Accordingly, Applicants respectfully request reconsideration and allowance of all pending claims.

CONCLUSION

Applicants have made an earnest attempt to place this case in condition for allowance. For at least the foregoing reasons, Applicants respectfully request full allowance of all the pending claims.

If the Examiner believes a telephone conference would advance prosecution of this case in any way, the Examiner is invited to contact Keiko Ichiye, the Attorney for Applicants, at the Examiner's convenience at (214) 953-6494.

Although Applicants believe no fees are due, the Commissioner is hereby authorized to charge any fees or credit any overpayments to Deposit Account No. 02-0384 of Baker Botts L.L.P.

Respectfully submitted,

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